

PLACE: Special Olympics Gene Whipp Center, 910 Gulf Coast Blvd., Venice, FL.

Please call 1(800)342-0825 to confirm the time and place of the meetings.

DEVELOPMENTAL DISABILITIES COUNCIL:

DATES AND TIMES: Third Thursday of each month (August 21, 2008, September 18, 2008, October 16, 2008, November 20, 2008, December 18, 2008, January 15, 2009, February 19, 2009, March 19, 2009, April 16, 2009, May 21, 2009, and June 18, 2009), 10:00 a.m.

PLACE: Joseph P. D'Alessandro Office Complex, 2295 Victoria Avenue, Room 123, Ft. Myers, FL

Please call 1(800)342-0825 to confirm the time and place of the meetings.

MENTAL HEALTH COUNCIL:

DATES AND TIMES: First Monday of each month. (August 4, 2008, September 8, 2008, October 6, 2008, November 3, 2008, December 1, 2008, January 5, 2009, February 2, 2009, March 2, 2009, April 6, 2009, May 4, 2009, and June 1, 2009), 10:00 a.m.

PLACE: Joseph P. D'Alessandro Office Complex, 2295 Victoria Avenue, Room 110, Ft. Myers, FL

Please call 1(800)342-0825 to confirm the time and place of the meetings.

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT the Agency for Health Care Administration has issued an order disposing of the petition for declaratory statement filed by American Health Associates Clinical Laboratory, Inc. on April 7, 2008. The following is a summary of the agency's disposition of the petition:

The Agency issued a Declaratory Statement on July 7, 2008 which declared that clinical laboratories that reduce the fee charged to skilled nursing facilities for ancillary laboratory services for Medicare Part A patients have engaged in a prohibited act under Section 483.245(1), Florida Statutes (2008), and Rule 59A-7.037, Florida Administrative Code. The conduct described in the Petition may additionally be

prohibited under Section 400.17, Florida Statutes (2008). Further, the Agency may be required to show "intent" in some instances in order to enforce the law.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Richard J. Shoop, Esquire, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308.

NOTICE IS HEREBY GIVEN THAT the Agency for Health Care Administration has issued an order disposing of the petition for declaratory statement filed by Dominion Diagnostics on April 9, 2008. The following is a summary of the agency's disposition of the petition:

The Agency for Health Care Administration has issued a Final Order declaring the suggested marketing practices of providing free specimen test cups (as described in the petition) and providing free personnel to assist physicians with specimen collections are both in violation of current Agency rules.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Richard Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, MS 3, Tallahassee, Florida 32308.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Grant Brockway, Petitioner, In RE: The Moorings of Manatee Association, Inc., Docket No. 2008029734 on May 15, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because it does not have substantial competent evidence to support its conclusions and the facts are unclear as to how Section 718.111(11)(b)2., Florida Statutes, would apply to petitioner.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has

declined to rule on the petition for declaratory statement filed by Susan E. Cohn, Petitioner, In RE: The Grand Condominium Association, Inc., Docket No. 2008027979 on May 9, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the parties are seeking a determination of their voting rights under Section 718.112, Florida Statutes.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Faustina Guzman-Tollefson, Petitioner, In RE: The Villas of Positano Condominium Association, Inc., Docket No. 2008036360. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes, as it applies to the petitioner.

Whether the Villas of Positano Condominium Association, Inc. may assess the non-residential cabana units for single metered electricity costs based on the unit's proportionate share of all the cabana units under Sections 718.112(2)(f) and 718.115, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an order disposing of the petition for declaratory statement filed by Michael J. Venezia, Petitioner, In RE: The Hallmark of Hollywood Condominium Association, Inc., Docket No. 2008020983 on April 1, 2008. The following is a summary of the agency's disposition of the petition:

Ordered that Section 718.404, Florida Statutes, may not be retroactively applied to The Hallmark of Hollywood, a condominium, to change the percentages of ownership shares of common expenses assigned to residential and commercial units under the declaration, and the Division declines to answer whether the association may redistribute the developer assigned parking spaces from commercial owners to residential owners because these persons are not parties.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Construction Industry Licensing Board hereby gives notice of the issuance of an Order regarding the Petition for Declaratory Statement for Anthony C. Apfelbeck. The Notice of Petition for Declaratory Statement was published in Vol. 34, No. 5, of the February 1, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on February 15, 2008. The petition requested the Board's interpretation of Chapter 489, Part I, Section 489.117, Florida Statutes, and whether the statutes prohibits a state registered contractor from contracting in a local jurisdiction if the municipality or county has not established local licensing requirements or has not entered into a reciprocity/interlocal agreement with the other licensing jurisdictions; whether the issuance of a certificate of competency for registration purposes includes a mandatory component that a municipality or county must establish or have access to via reciprocity/interlocal agreement, a local licensing board that exercises disciplinary control and oversight over registered contractors; and whether the Department of Business and Professional Regulation/Construction Industry Licensing Board exercises disciplinary control and oversight over registered contractors where no local licensing boards exists.

The Board's Order, filed on June 20, 2008, answers the Petition for Declaratory Statement for question 1) of the Petition is no. According to Section 489.117(2), Florida Statutes, the contractor is required to comply with all local licensing requirements. The answer to 2) of the Petition is yes. According to Section 489.117(2), Florida Statutes, in order for the local jurisdiction to issue new certificates of competency there must be a local disciplinary control, which can be provided by local agreement. The answer to 3) of the Petition is yes. The Department may pursue a complaint on behalf of the Board where local enforcement body does not have jurisdiction, pursuant to Section 489.131, Florida Statutes

A copy of the Board's Order may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

NOTICE IS HEREBY GIVEN THAT on June 23, 2008, the Board of Accountancy has received the petition for declaratory statement from Randall S. Myeroff, on behalf of CCIP Tampa, Ltd. The petition seeks the agency's opinion as to the applicability of paragraph 61H1-26.001(1)(b), Florida Administrative Code, as it applies to the petitioner.

The petition seeks the Board's interpretation of paragraph 61H1-26.001(1)(b), Florida Administrative Code, and whether CCIP Tampa, Ltd., after acquiring ownership of M&B, a CPA firm, must change the name of the firm if the former owners, shareholders or members no longer hold those positions in the firm.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Floyd Willis, M.D., on July 1, 2008. The Petitioner seeks the Board's opinion as to whether subsection 64B8-9.014(2), F.A.C., prohibits the provision of certain physician services to established patients via a HIPPA compliant, secure web portal. The Board will consider this petition at its meeting scheduled for August 16, 2008, in Orlando, Florida.

A copy of the petition may be obtained by writing: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal, has received the petition for declaratory statement from Eric A. Neilinger, Petitioner, filed on or about July 1, 2008. The petition seeks the agency's opinion as to the applicability of NFPA 72 Sections 6.9.4.2 and 6.9.4.3 and also NFPA 72 6.9.4.6 as it applies to the petitioner.

Existing 17 story apartment building being completely renovated as a hotel/apartment building. Building is installing a new 100% supervised fire sprinkler system in building and also installing a complete high rise voice evac addressable fire alarm system with evacuation by floor.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax: (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to Lesley.Mendelson@fldfs.com.

FINANCIAL SERVICES COMMISSION

NOTICE IS HEREBY GIVEN THAT the Office of Financial Services has received the petition for declaratory statement from Transpayment Inc., James B. Coppinger, CEO. The petition seeks the agency's opinion as to the applicability of Section 560.103, Florida Statutes, as it applies to the petitioner. OFFICE OF FINANCIAL REGULATION NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation received a petition for declaratory statement on March 28, 2008, from James B. Coppinger, Chief Executive Officer, of Transpayment, Inc. The petition seeks the Office's opinion as to whether Transpayment and its Retail Customers must register with the Office pursuant to Chapter 560, Florida Statutes, and specifically whether their activities fall within the definitions of "Funds Transmitter" and "Money Transmitter" pursuant to Section 560.103, Florida Statutes.

A copy of the petition for declaratory statement may be obtained by writing: Agency Clerk, Office of Financial Regulation, Fletcher Building, Suite #526, 200 E. Gaines Street, Tallahassee, FL 32399-0379.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE